

444

**DATE:** July 3, 2001

**GENERAL INFORMATION:**

**COMPREHENSIVE PLAN SPECIFICATIONS: In Conformance.** This shows as Low Density Residential Use on the Lancaster County Land Use Plan.

**HISTORY:** Converted from AA Rural and Public Use to AG Agriculture in the 1979 zoning update. These 5+ acre lots were created prior to the requirement that they have subdivision approval by the county and prior to the AG zoning district.

**SPECIFIC INFORMATION:**

**UTILITIES:** Existing well and septic. There is no rural water available.

**TOPOGRAPHY:** Along the side of a hill, falling off to the east.

**TRAFFIC ANALYSIS:** SW 84<sup>th</sup> and West Van Dorn are paved county roads. SW 84<sup>th</sup> is a State Spur.

**PUBLIC SERVICE:** This is in the Pleasant Dale Rural Fire District. Malcolm School District # 148 and Norris Public Power.

**REGIONAL ISSUES:** Acreages.

**ENVIRONMENTAL CONCERNS:** None known. The soil rating is 5.5 on a scale of 1-10 where 1-4 is prime soil. This is not prime soil. There is no floodplain shown.

**AESTHETIC CONSIDERATIONS:** NA

**ALTERNATIVE USES:** Continued acreage residence.

**ANALYSIS:**

1. This request is for an extension of a nonstandard/nonconforming use under the provisions of Article 13.005, and Article 4.007 I) Expansion of nonconforming use.
2. The applicant has an existing residence located 25' from the north lot line. The side yard of the AG District for this lot (at 10% of lot width) is 32.66 feet. The applicant requested a building permit to build an extension to the west side of the house, keeping the extension in line with the existing house at 25' from the lot line. This is not permitted as it would expand the nonconformity of the existing circumstance.
3. This area is shown as Low Density Residential, where AGR zoning would be appropriate. The applicant requested a change of zone from AG to AGR zoning to require a smaller side yard and therefor allow the addition.

4. Upon review, the Planning staff noted that the area is developed with 5+ acre lots and should all be changed versus only one lot. However, it was felt that all owners affected should be contacted if a larger change of zone was initiated by the department and this would delay the application. With the permission of the owner, the application was converted to, and advertised as, a special permit in order to accommodate the need of the applicant and avoid the appearance of a spot of zoning change or a change initiated by the Department on the other landowners without their consent.
5. Approval will allow the extension to be built. As time permits, the Planning Department will initiate contact with the owners in the area to do a change of zone to AGR in order to resolve similar issues in the future for this and other lots.

**STAFF RECOMMENDATION:****Conditional Approval****CONDITIONS:****GENERAL CONDITIONS:**

1. This approval permits an expansion of the existing dwelling at a 25' setback to the north lot line.
2. The construction plans shall comply with the approved plans.

**STANDARD CONDITIONS:**

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying this residence expansion, all development and construction shall have been completed in compliance with the approved plans.
  - 3.2 Before occupying this residence expansion, the City-County Health Department shall have approved the water and waste water systems for this use.
  - 3.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 3.4 The County Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

---

Michael V. DeKalb AICP  
Planner

F:\FILES\Planning\PC\PERMITS\COSP\COSP188.MD.wpd

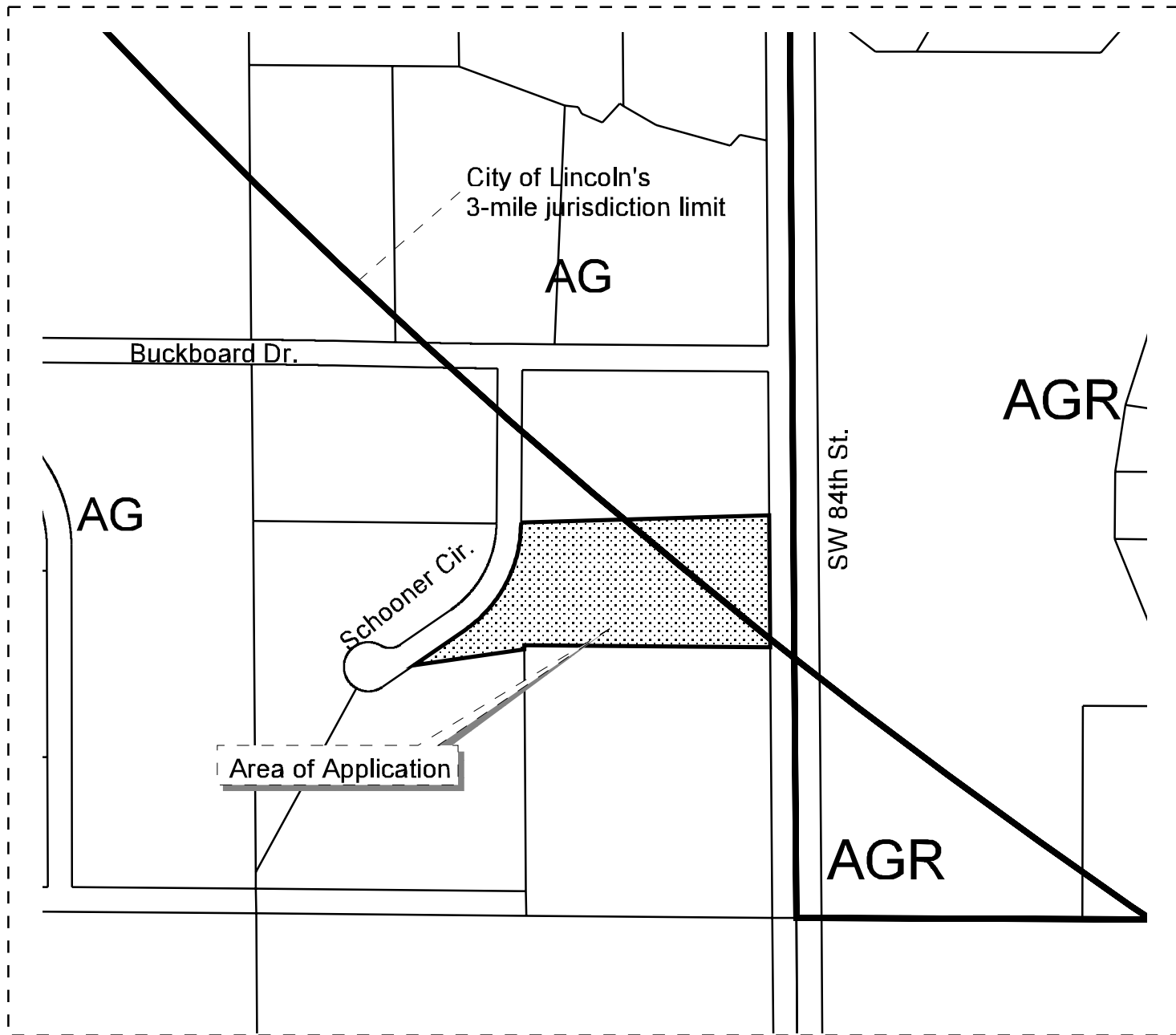


**County Special Permit #188**  
**SW 84th & W. Van Dorn St.**



Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

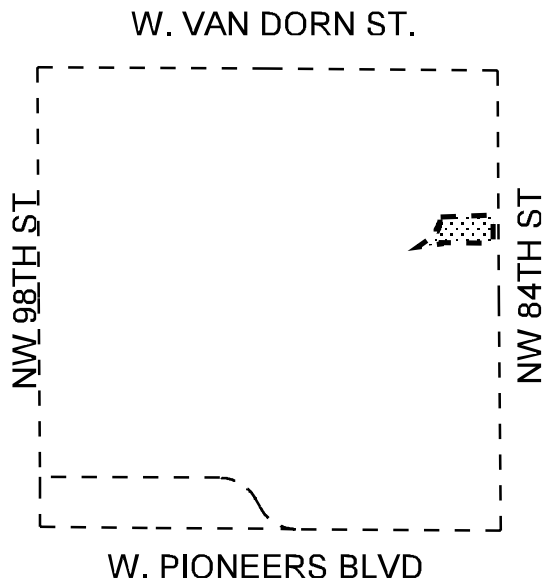
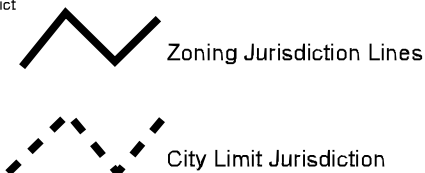


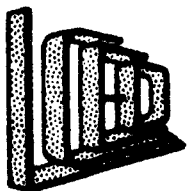
## County Special Permit #188 SW 84th & W. Van Dorn St.

### Zoning:

|            |  |
|------------|--|
| R-1 to R-8 | Residential District                   |
| AG         | Agricultural District                  |
| AGR        | Agricultural Residential District      |
| R-C        | Residential Conservation District      |
| O-1        | Office District                        |
| O-2        | Suburban Office District               |
| O-3        | Office Park District                   |
| R-T        | Residential Transition District        |
| B-1        | Local Business District                |
| B-2        | Planned Neighborhood Business District |
| B-3        | Commercial District                    |
| B-4        | Lincoln Center Business District       |
| B-5        | Planned Regional Business District     |
| H-1        | Interstate Commercial District         |
| H-2        | Highway Business District              |
| H-3        | Highway Commercial District            |
| H-4        | General Commercial District            |
| I-1        | Industrial District                    |
| I-2        | Industrial Park District               |
| I-3        | Employment Center District             |
| P          | Public Use District                    |

One Square Mile  
Sec. 3 T9N R5E





Lancaster

County

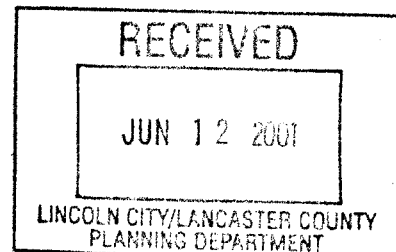
Engineering

Department

**DON R. THOMAS - COUNTY ENGINEER**

**DEPUTY - LARRY V. WORRELL  
COUNTY SURVEYOR**

**DATE:** June 11, 2001  
**TO:** Mike DeKalb  
Planning Department  
**FROM:** Larry V. Worrell *L.V.W.*  
County Surveyor  
**SUBJECT:** CHANGE OF ZONE #3327



Upon review, this office has no direct objections to this submittal.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-DEPARTMENT COMMUNICATION**

|                    |   |                    |   |
|--------------------|---|--------------------|---|
| <b>TO:</b>         | Mike DeKalb                               | <b>DATE:</b>       | June 18, 2001                               |
| <b>DEPARTMENT:</b> | Planning                                  | <b>FROM:</b>       | <i>DS.</i><br>Doug Smith, REHS              |
| <b>ATTENTION:</b>  | Administration                            | <b>DEPARTMENT:</b> | Health                                      |
| <b>CARBONS TO:</b> | Administration<br>Scott E. Holmes<br>File | <b>SUBJECT:</b>    | Application Review<br>C2 #3327 3301 SW 84th |

The well and sewage system serving the property located at 3301 SW 84<sup>th</sup> Street has been inspected by the Health Department. The well meets construction standards. The initial water samples indicate the presence of coliform bacteria. The Health Department will notify the owner and provide follow-up. No visible malfunctions of the sewage system exist. The Lincoln-Lancaster County Health Department has no objection to this change of zone.

If you have any questions please contact me at 441-8031.

RECEIVED

GoodeGuy Construction  
P.O. Box 6817  
Lincoln, Ne. 68510

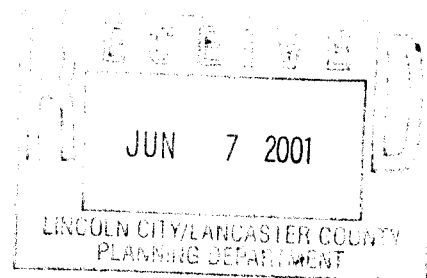
June 7, 2001

Ms. Sellman  
Planning Director  
Planning Department  
555 South 10<sup>th</sup> street, Suite 213  
Lincoln, Ne. 68508

To Whom It May Concern,

We are petitioning to change the zoning for the property of 3301 S.W. 84<sup>th</sup> street with the legal address of Lot 53, of IT in the NE/4 of section 3, Township 9 North , Range 5 East of the 6<sup>th</sup> PM, Lancaster County, Nebraska. The land is currently zoned AG and when we went to get a permit to add an addition on the rear of the house, we found out that the set back for the side yard had be changed since the house was originally built. After discussing our options with Building & Safety and with Mike DeKalb with the planning department, their suggestion was to change the zoning to AG R so the current side yard of 25' would fall into the zoning requirements. This would allow the Ralston's the ability to add on to their house flush with the existing side. We understand that this property is in the County comprehensive plan for AG R zoning, it is upon this that we are petitioning.

*Charlotte A. Ralston - owner*





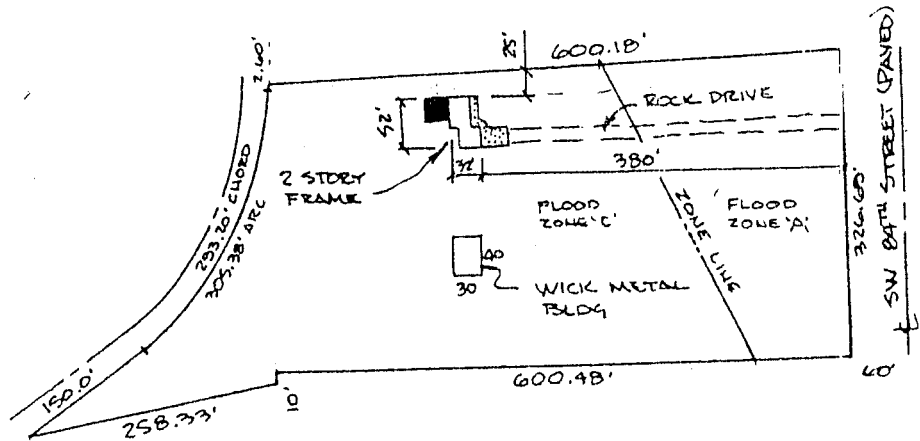
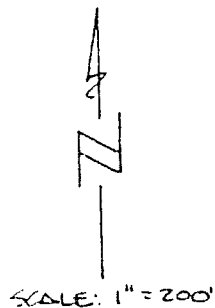
# PROPERTY IMPROVEMENT LOCATION PLAT

3301 SW 84TH STREET

MICHAEL RALSTON  
BSC BSN/1616

JUN 7 2001

LINCOLN CITY AND COUNTY  
PLANNING DEPARTMENT



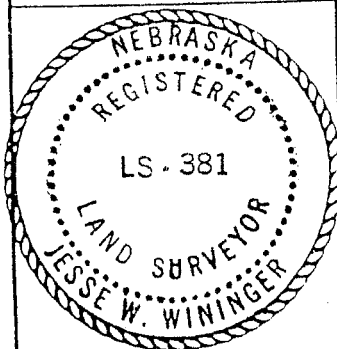
NOTE: Subject property apparently falls within the confines of Zone "A" as determined by the FEMA-FIA Flood Risk Map community 310134 panel 006513 revised 7/3/82

LEGAL DESCRIPTION; Lot 53, of IT in the NE/4 of Section 3, Township 9 North, Range 5 East of the 6th PM, Lancaster County, Nebraska

DATE OF CERTIFICATE

10/8/92

REVISED



## SURVEYOR'S CERTIFICATE

To the Lienholders and/or the owners of the premises inspected, and to Norwest and Beutler Title

The undersigned does hereby certify that the inspection made this day on the ground of the property legally described hereon and is correct, and that there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights-of-way in evidence or known to me, except as shown hereon, and that said property has access to and from a dedicated roadway. The foregoing is shown with an accuracy necessary to satisfy the needs of a lender or insurer. This plat is not a boundary survey and is not to be used for any purpose whatsoever other than those specifically stated above.

*Jesse W. Winger*

Professional Surveyors, Inc.

315 SO. 9TH - SUITE 10  
LINCOLN, NE 68508  
(402) 477-5255

JESSE W. WININGER, L.S.  
PRESIDENT

PROJECT NO.

924346